

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

NORTH AMERICAN INSURANCE)
AGENCY, INC., d/b/a INSURICA,)
ROBERT C. BATES, L.L.C., and)
COMMERCIAL INSURANCE)
SERVICES L.L.C.,)

Plaintiffs,)

vs.)

Case No. CIV-12-544-M

ROBERT C. BATES, COMMERCIAL)
INSURANCE BROKERS, L.L.C.,)
A STATE OF OKLAHOMA)
CORPORATION; WALT PETTIT;)
KIM BUKER; W. SAM PETTIT;)
DEBBIE MORRIS; WALT PETTIT)
CPCU, INC.; and COMMERCIAL)
BROKERAGE SERVICES, INC.,)

Defendants.)

ORDER

Before the Court are plaintiffs' Motion to Dismiss Defendants Kim Buker, W. Sam Pettit, and Debbie Morris with Prejudice, filed August 5, 2014, and plaintiffs' Amended Motion to Dismiss with Prejudice to Include Defendant Walt Pettit and Various Claims in Addition to Defendants Kim Buker, W. Sam Pettit, and Debbie Morris, filed August 11, 2014. Plaintiffs move the Court for an order dismissing plaintiffs' claims against defendants Walt Pettit, Kim Buker, W. Sam Pettit, Debbie Morris, Walt Pettit CPCU, Inc., and Commercial Brokerage Services, Inc.¹ with prejudice and dismissing any remaining contract and Computer Fraud and Abuse Act claims with prejudice.

¹During the in chambers conference regarding the motions to dismiss, plaintiffs advised the Court they were also moving to dismiss defendants Walt Pettit CPCU, Inc. and Commercial Brokerage Services, Inc. with prejudice.

Defendants do not object to the Court's granting plaintiffs' motions, subject to the Court's express retention of jurisdiction for the purposes of considering an award of attorney fees and costs.

Having reviewed the parties' submissions, and having heard the statements of counsel during the in chambers conference, the Court GRANTS plaintiffs' Motion to Dismiss Defendants Kim Buker, W. Sam Pettit, and Debbie Morris with Prejudice [docket no. 352] and plaintiffs' Amended Motion to Dismiss with Prejudice to Include Defendant Walt Pettit and Various Claims in Addition to Defendants Kim Buker, W. Sam Pettit, and Debbie Morris [docket no. 365]. The Court hereby DISMISSES all claims against defendants Walt Pettit, Kim Buker, W. Sam Pettit, Debbie Morris, Walt Pettit CPCU, Inc., and Commercial Brokerage Services, Inc. with prejudice. The Court further DISMISSES all remaining contract and Computer Fraud and Abuse Act claims with prejudice. Finally, the Court retains jurisdiction in this case for the sole purpose of considering any motion for attorney fees and costs.² Said motion shall be filed by September 2, 2014, and the response to said motion shall be filed by September 16, 2014.

Also before the Court is defendants' Motion to Dismiss Remaining Claims, filed August 12, 2014. During the in chambers conference, plaintiffs confessed defendants' motion to dismiss. As the Court has now dismissed plaintiffs' Computer Fraud and Abuse Act claims, the sole remaining claims providing a basis for this Court's jurisdiction in this case, the Court, pursuant to 28 U.S.C. § 1367(c)(3), declines to exercise supplemental jurisdiction over plaintiffs' remaining state law claims and finds that these claims should be dismissed without prejudice. Accordingly, the Court GRANTS defendants' Motion to Dismiss Remaining Claims [docket no. 367] and DISMISSES

²Although, as set forth below, the Court is declining to exercise supplemental jurisdiction over the remaining state law claims, the Court expressly retains jurisdiction over any motion for attorney fees and costs.

without prejudice (1) plaintiffs' breach of fiduciary duty claim against defendant Robert C. Bates, (2) plaintiffs' tortious interference claim against defendants Robert C. Bates and Commercial Insurance Brokers, L.L.C., (3) plaintiffs' unjust enrichment claim against defendant Robert C. Bates, (4) plaintiffs' Oklahoma Deceptive Trade Practices Act claim against defendants Robert C. Bates and Commercial Insurance Brokers, L.L.C., and (5) plaintiffs' civil conspiracy claim against defendants Robert C. Bates and Commercial Insurance Brokers, L.L.C.

IT IS SO ORDERED this 12th day of August, 2014.



VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE